

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Requests for Review of the Decision of the)	
Universal Service Administrator)	
)	
ATEK Construction, Inc. – Los Angeles Unified)	File No. SLD-153005
School District)	
Los Angeles, California)	
)	
Riverside County Office of Education)	File No. SLD-148309
Riverside, California)	
)	
SBC-Illinois and Ameritech Advanced Data)	File No. SLD-190697
Services, Inc. – Harvey Public School District)	
Harvey, Illinois)	
)	
Southwestern Bell Telephone Company –)	File No. SLD-202704
Education Service Center-Region 1)	
Edinburg, Texas)	
)	
Spectrum Communications Cabling Services, Inc.)	File No. SLD-148309
– Riverside County Office of Education)	
Riverside, California)	
)	
Verizon New Jersey, Inc. – Dar Al-Hikmah)	File No. SLD-310459
Elementary School)	
Prospect Park, New Jersey)	
)	
Schools and Libraries Universal Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: February 23, 2005

Released: February 25, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration the above-captioned Requests for Review of commitment adjustment decisions issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC).¹ For the reasons set forth

¹Letter from Ali Taba, ATEK Construction, Inc., to Federal Communications Commission, filed July 12, 2004; Letter from Rina M. Gonzales, Riverside County of Education, to Federal Communications Commission, filed October 1, 2004; Letter from Christopher M. Heimann, SBC-Illinois and Ameritech Advanced Data Services, Inc. to Federal Communications Commission, filed on July 9, 2004; Letter from Christopher M. Heimann, Southwestern Bell Telephone Company – Education Service Center – Region 1, to Federal Communications Commission, filed on July 13, 2004; Letter from Pierre Pendergrass, Spectrum Communications Cabling Services, Inc., to Federal Communications Commission, filed on August 30, 2004; Letter from Ann H. Rakestraw, Verizon New Jersey, Inc., to Federal Communications Commission, filed May 14, 2004 (collectively, Requests for Review).

below, we grant the Requests for Review and remand them to USAC for further consideration.

2. Consistent with the requirements of the *Commitment Adjustment Order* and the *Commitment Adjustment Implementation Order*, USAC has generally pursued recovery for both statutory and rule violations from service providers.² In the *Schools and Libraries Fourth Report and Order*, however, the Commission determined that recovery of schools and libraries funds disbursed in violation of the statute or a rule should be directed to the party or parties responsible for the statutory or rule violation, including a school or library.³ The Commission directed USAC to implement this policy on a going forward basis to all matters for which USAC has not yet issued a demand letter as of the effective date of the order and to all recovery actions currently under appeal to either USAC or the Commission.⁴ Each Request for Review raises the argument that another party, particularly the school or library receiving discounted services or another service provider, committed the statutory or rule violation for which SLD is seeking recovery of funds.⁵ Because USAC did not consider which party was responsible for the statutory or rule violation at issue, we find it appropriate to remand the above-captioned Requests for Review of commitment adjustment decisions to USAC for further consideration consistent with the Commission's decision in the *Schools and Libraries Fourth Report and Order*.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the requests for review filed by ATEK Construction, Inc. – Los Angeles Unified School District, Los Angeles, California, on July 12, 2004; Riverside County Office of Education, Riverside, California, on October 1, 2004; SBC-Illinois and Ameritech Advanced Data Services, Inc. – Harvey Public School District, Harvey, Illinois, on July 9, 2004; Southwestern Bell Telephone Company – Education Service Center-Region 1, Edinburg, Texas, on July 13, 2004; Spectrum Communications Cabling Services, Inc. – Riverside County Office of Education, Riverside, California on August 30, 2004; and Verizon New Jersey, Inc. – Dar Al-Hikmah Elementary School, Prospect Park, New Jersey, on May 5, 2004, ARE GRANTED, and these appeals ARE REMANDED to USAC for further action consistent with this Order.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

² *Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 97-21 and 96-45, Order, FCC 99-291 (rel. Oct. 8, 1999) (*Commitment Adjustment Order*); *Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, *Federal-State Joint Board on Universal Service*, 15 FCC Rcd 22975 (2000) (*Commitment Adjustment Implementation Order*).

³ *Federal State Joint Board on Universal Service, Changes to the Board of Directors for the National Exchange Carrier Association, Inc., Schools and Libraries Universal Support Mechanism*, Order on Reconsideration and Fourth Report and Order, 19 FCC Rcd 15252 (2004) (*Schools and Libraries Fourth Report and Order*).

⁴ *Id.* at 15256, para. 10.

⁵ *Id.*